

BOARD OF SELECTMEN – TOWN OF NATICK

OPEN SESSION MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

July 11, 2016

6:00 PM

PRESENT: Chairman J. Richard P. Jennett, Jr., Vice Chair Nicholas S. Mabardy, and Clerk Jonathan Freedman

ALSO PRESENT: Town Administrator Martha L. White and Executive Assistant Trish O’Neil

ABSENT: Members Susan G. Salamoff and John J. Connolly

Chairman Richard Jennett called the meeting to order at 6:11 p.m. and requested a motion to enter into Executive Session.

Mr. Freedman, seconded by Mr. Mabardy, moved to enter into Executive Session to discuss matters pertaining to Non-Union Personnel Negotiations with the Chair announcing that discussion of Executive Session matters in Open Session would have a detrimental effect on the Board of Selectmen’s negotiating position and the Town’s interests. By a roll call vote, Mr. Jennett, Mr. Mabardy, and Mr. Freedman all voted in favor of the motion. The Board entered into Executive Session at 6:15 p.m. after announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:07 p.m. The Pledge of Allegiance was recited and a moment of silence was observed in honor of those protecting our country.

ANNOUNCEMENTS:

Ms. White announced the following events:

- The Board of Selectmen will be hosting a forum on Monday, July 18th, from 7-9 p.m. in the Lebowitz Meeting Room at the Morse Institute Library regarding Natick’s Response to the Opioid Crisis and encouraged all to attend. Participants will include the Natick Police, Health, and School Departments, the Natick Together for Youth Coalition, and the local support group S.O.A.R. (Supporting our Addicts’ Recovery).
- The Annual Art Walk will take place on July 21st starting at 5:00 p.m. and Restaurant Week is scheduled for July 17-23 with restaurants offering various specials. Both are sponsored by the Natick Center Cultural District.
- TCAN’s kickstarter campaign to raise \$100,000 to purchase equipment for a new movie theater on the second floor of their facility is underway. To date, TCAN has raised \$60,000 and there are 14 days to go in their campaign.
- Radio Station KISS 108 is hosting outdoor movies in various communities and Natick is their first stop. “The Goonies” will be shown on the Natick Common at 7:30 p.m. on July 14th. The first 100 attendees will receive a Whole Foods Market goody bag.

Mr. Jennett spoke further to the scheduled event regarding the Town’s, and the Nation’s, opiate crisis, encouraging all residents to attend and pledging a strong effort on the part of the Town to solve this problem and develop solutions in Natick.

WHAT’S NEW

Recreation and Parks Director – Camp Arrowhead: Jon Marshall stated that he got his start at age 12 by volunteering at Camp Arrowhead and so it is near and dear to his heart. In the early 1950s, the facility was developed by the Amputee Veterans’ Association of America as a recreational and swimming area for veterans, and in the late 1950s, the Recreation and Parks Department, in conjunction with the Veterans’

Association, started a special needs camp for children on the site. Much help has been provided by Mr. John Ciciarello, the Parent Association for the Handicapped (PAT), which raised \$15,000 in donations, and the Public Works Department. Renovations have been done this year with support from the State, including the building of a pavilion that nicely complements the existing lodge. A rededication was held this year that recognized Mr. Joe Sheridan and Mr. Rob Robinson, the founders of the property. Mr. Marshall stated that they have 40 campers per session with 40 volunteers. One hundred forty high school volunteers donate their time. Mr. Marshall thanked Melissa Carter, the Camp Director, and Ethan Mapel, the Assistant Director and Volunteer Coordinator, for all of their hard work and dedication.

CITIZEN'S CONCERNS

Mr. Jeff Miller and Mr. Doug Drenik, residents of Oakland Terrace and neighbors of Lucy McKinley's, Paul's wife, presented with a request to somehow commemorate Paul McKinley, a former Selectmen heavily involved in Town activities, whom they described as a widely respected and very special man who worked hard at making Natick better during his lifetime. According to Mr. Miller and Mr. Drenik, all five neighbors in their cul-de-sac support the idea of a memorial of some sort for Mr. McKinley following his sudden and unexpected passing. Mr. Jennett stated that it was a great idea and requested that they leave their contact information so that the Town can follow up on their request.

CONSENT AGENDA

Questions were raised about two items on the Consent Agenda but following satisfactory clarification, the Board voted by the quorum present to approve all Consent Agenda items on a motion by Mr. Freedman that was seconded by Mr. Mabardy. Items approved consisted of the following:

- Selectmen Meeting Minutes – August 17, 2015
- Request for Exemption from Town By-laws Chapter 41, Section 4 – Ryan Boland
- Town Administrator's Committee Reappointments
 - *Golf Course Oversight Committee*: Artie Fair, Kevin Chandler, Nicholas DiMasi
 - *Commission on Disability*: Marci Shaffer, Susan Peters
- Reappointment of Michael Collins to Bacon Free Library Maintenance Committee
- Main Street Banner Requests
 - *Natick Youth Football & Cheer 7/25-7/31/16*
 - *Natick Community Organic Farm 8/22-8/28/16 & 9/19-9/25/16*
- Road Closures for Block Parties with Police Stipulations
 - *Sylvester Road 7/30/16*
 - *Sherwood Neighborhood/Surrey Lane 9/17/16 (Rain Date: 9/18/16)*

APPOINTMENTS WITH THE BOARD OF SELECTMEN

All of the following appointments and reappointments will receive appointment letters from the Selectmen's Office to take to the Town Clerk to be sworn in to their respective committees.

1. **Ed Doherty – Interview for Appointment to the Economic Development Committee**: After providing relevant background information, the Board voted by the quorum present to appoint Mr. Doherty to the committee on a motion by Mr. Mabardy that was seconded by Mr. Freedman.
2. **Jay Ball – Reappointment to the Affordable Housing Trust Fund Committee**: Mr. Ball provided a brief update on committee activities and accomplishments. On a motion by Mr. Mabardy, seconded by Mr. Freedman, the Board voted by the quorum present to reappoint Mr. Ball to the committee.
3. **Susana Fernandes – Interview for Appointment to the Historic District Commission**: After providing relevant background information, and on a motion by Mr. Mabardy, seconded by Mr. Freedman, the Board voted unanimously to appoint Ms. Fernandes to the commission.
4. **Interviews for Appointment/Reappointment to the Council on Aging**: On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board voted by the quorum present to reappoint Harriet Merkwitz for a three-year term, and to appoint Elaine Ostroff and William Grome for three-year terms and Robert Couture for a two-year term after they provided relevant background information.

5. **Natick Center Cultural District & Public Art Committee – Request to Paint Electrical Boxes:**
Carol Krentzman, a local artisan in Natick, presented on behalf of Athena Pandolf, Executive Director of the Natick Center Cultural District, seeking approval to paint two additional electrical boxes as part of the “Electrical Box Paint Program,” funded by a grant from the Massachusetts Cultural Council. Drawings will be solicited from local artists to paint the box in Moran Park with a veteran’s theme and on Pond Street with a robot theme. The final choices will be presented to the Selectmen at a future meeting for their approval. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to approve painting of the electrical boxes.

6. **Nicholas Restaurant Group, Inc. d/b/a Morse Tavern:**
 - a. **Public Hearing to Amend Alcohol License to Expand Current Premises to Include a 650-Square Foot Patio:** Mr. Freedman read the Public Hearing Notice aloud. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to open the Public Hearing. Attorney George Piandes, representing Sharon and John Stournaras, presented to obtain permission to expand Morse Tavern’s serving area to their newly built outdoor patio. Abutters have been notified via certified mail. Asked by Mr. Freedman if there would be any entertainment on the patio, the Stournarases said no. Mr. Freedman asked Mr. Jennett if it was fair to inquire about the incident for which there is to be a hearing in front of the Alcoholic Beverages Control Commission and Mr. Jennett responded that it was outside the scope of this evening’s discussion. Mr. Freedman asked what precautions would be taken on the patio. The Stournarases responded that the patio’s only entrance/exit is at a manager’s station (with the remaining three sides enclosed), that there would be three servers on the patio, that both owners would be present in the establishment, and that cameras will be used on the patio. Mr. Jennett cautioned that there are concerns so there must be increased awareness of outside alcohol service. Asked if there were any comments from the public, Donna Mackenzie of precinct 9 spoke in favor of the expansion, saying that the Stournarases had owned the establishment for 40 years with no problems. John Kerr of precinct 4 echoed Ms. Mackenzie’s sentiments and further commented that economic development and small business owners should be encouraged in the downtown area. With no other comments from the public, Mr. Freedman moved to close the Public Hearing and Mr. Mabardy seconded the motion. The Board voted by the quorum present to do so. Mr. Freedman moved, seconded by Mr. Mabardy, to amend the alcohol license to include the patio area, and the Board voted approval by the quorum present. Mr. Freedman stated that the Board does hold business owners responsible but that he did not think there would be a problem with this business, and he also expressed a desire to encourage economic development and small business owners. Mr. Freedman and Mr. Mabardy wished the Stournarases well.
 - b. **Request to Amend Common Victualler’s Liquor License Operating Hours from 12:00 p.m. to 10:00 a.m. on Sundays:** The purpose of the earlier opening would be to accommodate patrons who wished to have brunch. This change in hours would be on Sunday only. Asked by Mr. Freedman if the earlier opening hour was discussed with abutters, Mr. Stournaras stated that no concerted effort had been made in this regard. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present in favor of amending the operating hours as above.

Ms. White reminded the Chair to explain the absence of two of the Board Members and Mr. Jennett stated that one was ill and the other had had surgery.

7. **Sustainability Coordinator**
 - a. **Proposed Formation of Sustainability Committee and Recommendation to Disband Recycling Committee:** Ms. Wilson-Martin introduced Terry Miller, Chair of the Recycling Committee, who explained that the committee had been formed in 1989 as an advisory committee, and that the committee members, feeling that they had met all their goals, had unanimously voted to dissolve the committee effective immediately with the feeling being that a new Sustainability Committee would have a much broader scope and would better serve the Town. Ms. Miller extended special thanks to Tom Hladick from the DPW and Bill Chenard who have provided quite a bit of help to the committee, as well as all of the committee members. Ms. Wilson-Martin commented that it is at the impetus of the Recycling Committee that a new Sustainability Committee is proposed and that she has composed a draft Charge for the new committee along with a set of objectives and proposed qualifications for new members. Ms. Wilson-Martin’s intent this evening is to solicit feedback from the Selectmen about a possible new committee and the draft Charge she has submitted to the

Board. Mr. Freedman stated that he thought it made sense to broaden the scope and perspective in this way so that recycling is no longer a standalone item. Mr. Mabardy questioned when Ms. Wilson-Martin would be ready to come back before the Board with a more formal Charge. Ms. White answered the question, stating that they hoped it would be ready by the next Selectmen's meeting and, if not then, by the meeting subsequent to that. Mr. Jennett moved to dissolve the Recycling Committee, seconded by Mr. Mabardy, and the motion was carried by the quorum present. Mr. Freedman requested that thank you letters be sent by the Selectmen's Office thanking current and former committee members for their service.

- b. **Authorize Solar Power Purchase Agreement with Ameresco:** On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted to authorize the 20-year Agreement by the quorum present to include the installation, operation, and maintenance of solar energy facilities on the rooftops of the Lilja Elementary School, the DPW Vehicle Storage Garage, and the William Chase Arena. Energy savings for the three buildings are anticipated to be \$3,031,226 over the span of the 20-year agreement. If ready for construction to participate in this construction cycle, the DPW Equipment Maintenance Garage roof will be presented as an addendum to this contract in the fall. Energy savings for this building are anticipated to be \$200,300 over the life of the 20-year agreement.
- c. **Solarize Mass Natick Program Update:** Ms. Wilson-Martin provided an update about the program. In April, the Board approved Boston Solar as the designated solar installer for the Town. The goal of the program has been to educate residents about the program. Three hundred residents have expressed interest, 156 have booked appointments with Boston Solar, and 46 residents and one business have signed up for solar power at a rate 25% cheaper than average solar costs. Interested residents must sign up by the deadline (the deadlines are determined by the State) of August 1st to have their homes assessed in order to qualify for the discounted rates. Those who have already had their roofs assessed must decide if they want to install by October 1st.

The Board recessed for a short break at 8:55 and the meeting was reconvened at 9:03.

- 8. **Josh Ostroff – Cochichuate Rail Trail Update:** Mr. Ostroff stated that a revised design has been submitted to MassDOT for review and will probably be ready by October 1st. A recommendation for further appropriation will be provided before the Warrant for Fall Annual Town Meeting closes. Subject to public comment by July 24th, the Boston MPO voted to move CRT construction on the Transportation Improvement Plan (TIP) from FFY 2018 to FFY 2020 because of concerns about acquisition. The construction estimate has increased from \$5.86 million in FFY 2018 to \$8.94 million in FFY 2020, with most of the increase in cost being attributed to the design of the project. Construction will be paid for with 80% federal funds, 20% state funds, and no local funds. The Naming Rights Agreement has been amended to address some concerns on the part of Framingham and will include naming rights for a future bridge across Route 30.
 - a. **Authorize Letter from BOS Chair to Boston Metropolitan Planning Organization:** Mr. Ostroff requested that the Board send a letter to the Boston MPO during this public input period requesting that construction not be pushed to 2020 and that it be reverted back to 2018. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to authorize the Chair to sign and send the above noted letter.
 - b. **Approve Revised Naming Rights Agreement Among Framingham, Natick, and Friends of Natick Trails:** On a motion by Mr. Mabardy, seconded by Mr. Freedman, the Board voted by the quorum present to approve the revised naming rights agreement.
 - c. **Initiate Taking of Wonderbread Spur:** The Selectmen present this evening decided to postpone consideration of this item to the next Selectmen's Meeting.
- 9. **Public Hearing – Cochichuate Rail Trail Environmental Testing & Legal Matters:** Mr. Freedman read the Public Hearing Announcement aloud. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to open the Public Meeting. Mr. Ostroff and Mr. Jamie Errickson were present, along with John Flynn, Town Counsel, who was present to discuss legal matters related to the Cochichuate Rail Trail. Also present were two representatives from Stantec – the company contracted to perform the environmental site assessment – Charles Young, Senior Environmental Project Manager, and Brian Moran, Licensed Site Professional, who discussed their 1600-page report regarding Phase I Cochichuate Rail Trail testing results.

Regarding environmental testing, on- and off-rail testing was done for lead, arsenic, petroleum, PAHs, PBCs, etc. to comply with the terms of the purchase and sale agreement. The testing showed contamination along the rail trail but no surprising results and nothing that has not been seen before. All testing was done in accordance with ASTM (American Society for Testing and Materials) protocols, which are accepted by the Department of Environmental Protection (DEP) and provide an "innocent landowner defense." Mr. Freedman inquired if testing beyond the requirements was done and one of the Stantec representatives answered affirmatively, stating that locations and contamination types were added with the increased level of testing and that the proposed method of capping would adequately mitigate those contaminants and protect people using the trail, anticipating no problems with the State as long as construction meets DEP guidelines. Mr. Freedman inquired as to whether any of the contaminants would have the likelihood of migrating into water, or if the construction could cause migration, to which Mr. Moran responded, "No." Mr. Mabardy inquired as to the funding for the testing and Mr. Ostroff indicated that it was funded from a past Town Meeting appropriation.

Mr. Flynn provided a brief overview of legal issues related to title issues, exposure to liability issues, rail banking issues, and eminent domain issues. Mr. Flynn stated that he had believed that the title issues were resolved with the determination that the Saxonville Branch and Wonderbread Spur are owned by CSX until he received an email from Paul Griesmer, Chair of the Finance Committee, raising additional concerns regarding proprietary claims from deeds prior to 50 years ago. A title exam revealed no issues at the Registry of Deeds in terms of liens. Mr. Flynn stated he would be willing to investigate further at the pleasure of the Board.

Mr. Ostroff stated that no vote is necessary this evening. The Public Hearing has been held as part of Town Meeting requirements to address questions and concerns from the public and Mr. Ostroff suggested possibly keeping the Public Hearing open to address any additional questions. Mr. Freedman agreed and Ms. White stated that closing the hearing would foreclose on Ms. Salamoff's and Mr. Connolly's opportunity to be involved in the discussion. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to continue the Public Hearing to the July 25th Board of Selectmen's Meeting.

- 10. Director of Community and Economic Development:** This item was continued to the next Selectmen's Meeting on July 25th.

DISCUSSION AND DECISION

- 11. Approve Contract Extension with MetroWest Regional Transit Authority for Elderly and Disabled Services:** Ms. White complimented Jemma Lambert for arranging this contract. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to approve the contract extension.
- 12. Declaration of Surplus Equipment:** Ms. White stated that there is a lovely roll top desk in the Community & Economic Development Office that is impractical for office use and will be put up for auction with a minimum bid of \$500. She requested that the Board declare it as surplus property according to the Town By-law that requires a municipality to do so for property with a value of \$500 or more that is going to be disposed of. The proceeds from the auction will then go into the General Fund. On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present to declare the desk surplus equipment.

TOWN ADMINISTRATOR NOTES

Ms. White stated that the Fiscal Year 2017 goals decided upon at the Selectmen's and Town Administrator's Goals Meeting held on July 6th will be made available to the Selectmen at their next meeting on July 25th.

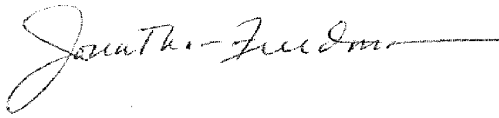
SELECTMEN'S CONCERNS

Mr. Mabardy asked about the part of the Master Plan that is to include a survey of residents soliciting their input. Ms. White stated that it is too early to discuss this since a consultant was just recently retained who will help to craft the surveys over the next three months or so. Mr. Mabardy stated that when there is an offer of employment from Human Resources about which the Selectmen are notified, he would like to receive a job description. Ms. White stated that many of the job descriptions are available on the Town's website.

Mr. Freedman inquired as to whether there was any update regarding 30 Robinhood Road, a property that was reported to have a large amount of trash, debris, and vehicles. Ms. White stated that she would check into it. Mr. Freedman stated that he is interested in looking into the idea of a First Responders Recognition Day as suggested by a letter from a resident that he saw in Correspondence. Mr. Freedman stated that there should be more timely availability of all materials that are to be on the agenda for any upcoming meeting.

ADJOURNMENT

On a motion by Mr. Freedman, seconded by Mr. Mabardy, the Board voted by the quorum present, on a roll call vote, to adjourn the Board of Selectmen's Meeting at 11:08 p.m.



Jonathan Freedman, Clerk

July 11, 2016 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on July 25, 2016

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All documents used at this Board of Selectmen meeting are available at:

<http://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=280&MinutesMeetingID=-1&doctype=Agenda>